



ITW

PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: John J. Svabek et al.
Serial No. 10/816,596
Filing Date: April 1, 2004

Examiner:
Art Group: 3632
Docket No. 33774.00.0007

Title: **DISPENSER PLATFORM**

Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Certificate of Mailing

I hereby certify that this paper is being deposited with the United States Postal Service as first-class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on this date.

7/26/04
Date

MonaLisa Adams
MonaLisa Adams

PETITION TO MAKE SPECIAL UNDER 37 C.F.R. §1.102(d)

Dear Sir:

Applicant hereby petitions to make this patent application under the provisions of 37 C.F.R. §1.102(d) and as set forth in MPEP §708.02(II). The application has not been examined as of today's date. The Commissioner is hereby authorized to charge deposit account no. 22-0259 the requisite fee for this petition.

The Applicant has determined that the **Wine Box Holder**, product number AR4742, which is offered for sale at: www.whatonearthcatalog.com/graphics/products/large/AR4742.jpg, infringes the above-identified patent application by a rigid comparison of the filed claims to the aforementioned **Wine Box Holder**.

It is my opinion that at least independent claim 11 is infringed by the **Wine Box Holder** shown in Attachment A hereto.

On July 26, 2004, a search was conducted using the LEXIS database engine. The search criteria used with LEXIS was:

(platform or stand) w/10 (box w/10 (beverage or wine))

The database that was searched contained published and issued U.S. Patents, European Patents, Patent Abstracts of Japan and PCT Patents. The above-identified search string should

CHICAGO/#1262339.1

07/30/2004 HAL111 00000012 220259 10816596
01 FC:1460 130.00 DA

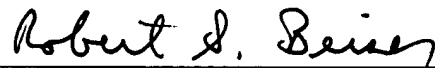
The database that was searched contained published and issued U.S. Patents, European Patents, Patent Abstracts of Japan and PCT Patents. The above-identified search string should have located any published patent application or issued patent contain the words "platform" or "stand" and the words "box" or "beverage" or "wine" within ten (10) words of each other. Definite and indefinite articles are not included in the word proximity count. The data base include all patents and published applications, regardless of their class.

The search identified sixteen documents listed in Attachment B hereto. The first page of Attachment B also shows the date and time of the search and the aforementioned search criteria.

Of the references shown in Attachment B, the most pertinent one is believed to be U.S. Pat. No. 4,699,932, a copy of which is attached hereto as Attachment C. Among other things, the structure disclosed in the '932 patent does not have sides as claimed in the pending claims.

For the foregoing reasons, an expedited examination of the above-identified application is respectfully requested.

Respectfully submitted,



Robert S. Beiser
Reg. No. 28,687

Date: July 26, 2004

Vedder, Price, Kaufman & Kammholz, P.C.
222 North LaSalle Street
Chicago, Illinois 60601
PHONE: (312) 609-7500
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TRANSMITTAL FORM (to be used for all correspondence after initial filing)	Application Number	10/816,596
	Filing Date	4/1/04
	First Named Inventor	John J. Svabek et al.
	Art Unit	3632
	Examiner Name	
Total Number of Pages in This Submission	Attorney Docket Number	33774.00.0007

ENCLOSURES (Check all that apply)

<input checked="" type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/ Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input checked="" type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____	<input type="checkbox"/> After Allowance communication to Group <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please Identify below): Postcard
Remarks		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm or Individual name	Robert S. Beiser Registration No. 28,687
Signature	<i>Robert S. Beiser</i>
Date	7/26/04

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I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below.			
Typed or printed name		MonaLisa Adams	
Signature	<i>MonaLisa Adams</i>	Date	7/26/04

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

PATENT FEE TRANSMITTAL for FY 2004

Effective 10/01/2003. Patent fees are subject to annual revision.

☒ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$) 130.00

Complete if Known

Application Number 10/816,596
Filing Date April 1, 2004
First Named Inventor John J. Svabek
Examiner Name
Art Unit 3632
Attorney Docket No. 33774.00.0007

METHOD OF PAYMENT (check all that apply)

☐ Check ☐ Credit card ☐ Money Order ☐ Other ☐ None

☒ Deposit Account:

Deposit Account Number 22-0259
Deposit Account Name Vedder, Price, Kaufman & Kammholz, P.C.

The Director is authorized to: (check all that apply)

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FEE CALCULATION

1. BASIC FILING FEE

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description	Fee Paid
1001 770	2001 385	Utility filing fee	
1002 340	2002 170	Design filing fee	
1003 530	2003 265	Plant filing fee	
1004 770	2004 385	Reissue filing fee	
1005 160	2005 80	Provisional filing fee	
SUBTOTAL (1)			(\$) 0.00

2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

Total Claims -20** = X = 0.00
Independent Claims -3** = X = 0.00
Multiple Dependent =

<u>Large Entity</u>		<u>Small Entity</u>		<u>Fee Description</u>
Fee Code	Fee (\$)	Fee Code	Fee (\$)	
1202	18	2202	9	Claims in excess of 20
1201	86	2201	43	Independent claims in excess of 3
1203	290	2203	145	Multiple dependent claim, if not paid
1204	86	2204	43	** Reissue independent claims over original patent
1205	18	2205	9	** Reissue claims in excess of 20 and over original patent

**or number previously paid, if greater; For Reissues, see above

FEE CALCULATION (continued)

3. ADDITIONAL FEES

Large Entity Small Entity

Fee Code (\$)	Fee Code (\$)	Fee Description	Fee Paid
1051 130	2051 65	Surcharge - late filing fee or oath	
1052 50	2052 25	Surcharge - late provisional filing fee or cover sheet	
1053 130	1053 130	Non-English specification	
1812 2,520	1812 2,520	For filing a request for <i>ex parte</i> reexamination	
1804 920*	1804 920*	Requesting publication of SIR prior to Examiner action	
1805 1,840*	1805 1,840*	Requesting publication of SIR after Examiner action	
1251 110	2251 55	Extension for reply within first month	
1252 420	2252 210	Extension for reply within second month	
1253 950	2253 475	Extension for reply within third month	
1254 1,480	2254 740	Extension for reply within fourth month	
1255 2,010	2255 1,005	Extension for reply within fifth month	
1401 330	2401 165	Notice of Appeal	
1402 330	2402 165	Filing a brief in support of an appeal	
1403 290	2403 145	Request for oral hearing	
1451 1,510	1451 1,510	Petition to institute a public use proceeding	
1452 110	2452 55	Petition to revive - unavoidable	
1453 1,330	2453 665	Petition to revive - unintentional	
1501 1,330	2501 665	Utility issue fee (or reissue)	
1502 480	2502 240	Design issue fee	
1503 640	2503 320	Plant issue fee	
1460 130	1460 130	Petitions to the Commissioner	130
1807 50	1807 50	Processing fee under 37 CFR 1.17(q)	
1806 180	1806 180	Submission of Information Disclosure Stmt	
8021 40	8021 40	Recording each patent assignment per property (times number of properties)	
1809 770	2809 385	Filing a submission after final rejection (37 CFR 1.129(a))	
1810 770	2810 385	For each additional invention to be examined (37 CFR 1.129(b))	
1801 770	2801 385	Request for Continued Examination (RCE)	
1802 900	1802 900	Request for expedited examination of a design application	

Other fee (specify) _____

*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$) 130.00

SUBMITTED BY

(Complete if applicable)

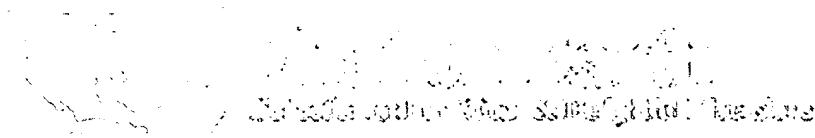
Name (Print/Type) Robert S. Beiser Registration No. 28,687 Telephone 312-609-7848
Signature *Robert S. Beiser* Date July 26, 2004

1262394

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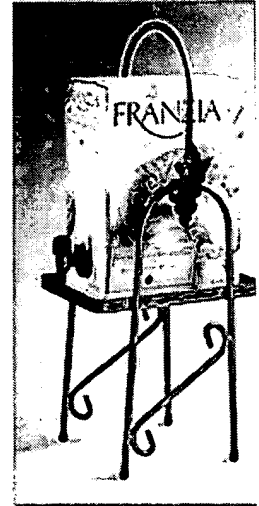
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Wine Box Holder

An ingenious and attractive way to serve boxed wine, this black wrought iron piece raises the spout to the perfect height, minimizing spills and adding a distinctive touch to your get-together. Stand holds either 3- or 5-liter boxes; legs are tipped to protect your table surface. 19"H x 6"W x 8 1/2"D. No Rush Delivery. No gift wrap. Click for larger image.



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(AR4742)



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Research Information:

U.S. Patents, European Patents, Patent Abstracts of Japan and PCT Patents
(platform or stand) w/10 (box w/10 (beverage or wine))

Send to: KRAUSE, JOSEPH
VEDDER PRICE KAUFMAN & KAMMHOLZ
222 N LASALLE ST
CHICAGO, ILLINOIS 60601-1003

1. 1183969 (Note: This is a Patent Application only.), March 6, 2002, Issue No.: 200210 , Method of transporting packagings, in particular bottles, and displaying the same for sale, as well as roll container and apparatus used therein, Verfahren zum Transport von Verpackungen, insbesondere Flaschen, und deren Präsentation zum Verkauf, sowie Rollcontainer und darin verwendete Vorrichtung, Methode pour le transport d'emballages, en particulier bouteilles, et leur presentation pour la vente, ainsi que conteneur roulant et dispositif employe a son interieur, Versluis, Evert Cornelis Antonie - Tolhuislaan 16, 3862 WL Nijkerk, Netherlands (NL); Gramberg, Peter James - Klaverland 14, 3833 CA Leusden, Netherlands (NL), 01203242 , Van Egmond Technische Handelsonderneming B.V., 02378910, Ambachtsstraat 16, 3861 RH Nijkerk, Netherlands (NL)

... packing packagings, such as wine bottles, into boxes at the end of a bottling ...

... packagings are loaded onto a platform instead of in boxes, however. ...

2. 9110616 (Note: This is a Patent Application only.), July 25, 1991 , WINE CHILLER, APPAREIL REFRIGERANT POUR LE VIN, BARBER, Peter, PCT/GB91/00042 , BARBER, Peter

... box will rest. This platform may comprise a spring- loaded plate. The platform allows for wine boxes having different distances between their ...

... outlet spout: also as the wine box empties, the platform is able to displace the box upwardly and so tilt it 10 ...

... three spring loaded platforms are provided, one for each wine box in the ...

... for the respective wine boxes to rest on. The wine chiller ...

... a resiliently loaded platform on which the or each wine box stands. 8) A wine box having an outlet spout which includes ...

3. 6708741 , March 23, 2004 , Beverage dispenser, Berry, Martin F. - Raynham, Massachusetts; Bressner, Gorm - Providence, Rhode Island; Westphalen, Detlef - Roslindale, Massachusetts; Robbins, III, Zebulon S. - Duxbury, Massachusetts; Beittel, David - Arlington, Massachusetts; Wright, Bill - Wakefield, Massachusetts, 645266 (09), Ocean Spray Cranberries, Inc., Lakeville-Middleboro, Massachusetts, 02

... includes a support stand, outside a refrigerated space. 16. A beverage dispenser, comprising: a ...

... a bag-in-box container and a shelf ...

4. 6595475 , July 22, 2003 , Dispenser platform, Svabek, John J. - Bedford Park, Illinois; Kaminecki, Alex J. - Chicago, Illinois, 007592 (10), Archer Wire International Corporation, Bedford Park, Illinois, 02, December 5, 2001 - ASSIGNMENT OF ASSIGNORS INTEREST (SEE DOCUMENT FOR DETAILS) ., ARCHER WIRE INTERNATIONAL CORPORATION 7300 S. NARRAGANSETT BEDFORD PARK ILLINOIS 60638, Reel and Frame Number: 012371/0014

... container box or "wine box. " FIG. 2 is a ...

... preferred embodiment of a beverage container support stand. FIG. 3 is a ...

... foldable wire support stand 200 for a wine box 100. While the embodiment of the support stand 200 depicted in ...

... intended for use with beverage container boxes such as the one shown ...

... FIG. 1, the support stand 200 also can be ...

... preferred embodiment of the support platform 202 is a wine box stand and is maintained at an elevated height ...

... rigid and lightweight support stand and platform for a beverage container such as a wine box or other boxed packaging is ...

5. 6009599 , January 4, 2000 , Burglar-proof apparatus for a vending machine, Park, Kyung-Jun - Kwangju, South Korea (KR), 984269 (08), Kwangju Electronics Co., Ltd., Kwangju, South Korea (KR), 03, December 3, 1997 - KWANGJU ELECTRONICS CO., LTD. 271, OSUN-DONG,, Reel and Frame Number: 008904/0853 ASSIGNMENT OF ASSIGNORS INTEREST (SEE DOCUMENT FOR DETAILS)., Reel and Frame Number: PERMAN & GREEN, LLP CLARENCE A. GREEN 425 POST ROAD FAIRFIELD, CT 06430-6232 June 28, 1999 - CHANGE OF NAME (SEE DOCUMENT FOR DETAILS)., SAMSUNG KWANG-JU ELECTRONICS CO., LTD. 271 OSUN-DONG, KWANGSAN-GU KWANGJU KOR EA, REPUBLIC OF, Reel and Frame Number: 010061/0427

... in the cup depositing box 113 is supplied into the cup stand 115, followed by the supplying of desired beverage into the discharged cup by ...

6. 5586509 , December 24, 1996 , Card table food, beverage, bidding box and convention card holding apparatus, Mangold, Howard L., 458 Sharon Dr. San Antonio, TX 78216; Mangold, Anita L., 4026 Georgetown Rd. Blue Ash, OH 45236, 447396 (08)

... brace 2 of the food, beverage, bidding box and convention card holder ...
... embodiment is readily detachable from the platform 1, so that support braces ...
... a generally rectangular platform, the long vertical planar ...
... proximal to the players, bidding boxes 9 can be ...
... both sides. If the food, beverage, bidding box and convention ...
... left of the person viewing the platform 1. For left handed players, the food, beverage, bidding box and convention card holder would ...

7. 5369600 , November 29, 1994 , Apparatus for measuring gas density and sugar content of a beverage within a sealed container and method of measuring the same, Ito, Yasushi, Nagoya, JP; Yamaguchi, Shogo, Nagoya, JP; Fujikake, Hironobu, Nagoya, JP; Abe, Sadahiro, Nagoya, JP; Nishimura, Masaru, Nagoya, JP; Matsumura, Noriaki, Nagoya, JP; Tanaka, Takashi, Nagoya, JP, 996167 (07), Mitsubishi Jukogyo Kabushiki Kaisha, Tokyo, JP Churyo Engineering Kabushiki Kaisha, Nagoya, JP, February 23, 1993 - ASSIGNMENT OF ASSIGNORS INTEREST., CHURYO ENGINEERING KABUSHIKI KAISHA 60-1, AZA KUTANJO, IWATSUKA-CHO NAKAMURA-KU, NAGOYA-SHI, JAPAN, Reel and Frame Number: 006419/0185 February 23, 1993 - ASSIGNMENT OF ASSIGNORS INTEREST., CHURYO ENGINEERING KABUSHIKI KAISHA 60-1, AZA KUTANJO, IWATSUKA-CHO, NAKAMURA -KU, NAGOYA-SHI AICHI-KEN JAPAN, Reel and Frame Number: 006426/0230

... comprises a container stand 250 of box shape for placing ...
... 200 containing a beverage 202 and a gas ...

8. 4991726 , February 12, 1991 , Support stand, Johnson, David W., 2601 Hoover St., Ste. H, National City, CA 92050, 231379 (07), August 6, 1992 - NUNC PRO TUNC ASSIGNMENT (SEE DOCUMENT FOR DETAILS). EFFECTIVE ON 01/03/1992, EBERT COMPOSITES CORPORATION A CORP. OF CA 260 1 HOOVER, SUITE H NATIONAL CITY CALIFORNIA 91950, Reel and Frame Number: 006223/0683

... a beam, a box, or a wine rack, a basic support stand is created, which is usefully formed into ...

9. 4699342 , October 13, 1987 , Stand for displaying beverages, Bartz, William R., 736 Dalewood Ct. San Jose, CA 95120; Donati, Wanda C., 1523 Yellowstone Ave. Milpitas, CA 95035, 841197 (06)

... In the present situation where wine is in box 13, the typical dimensions for the top 23 of stand 11 are 6.25 in. ...

10. 4623075 , November 18, 1986 , Container for pressurized liquid, Riley, Arthur J., Stockport, GB2, 690038 (06), T.P.T. Limited, Stockport, GB2, January 9, 1985 - ASSIGNMENT OF ASSIGNORS INTEREST., T.P.T. LIMITED, OAKWOOD MILLS, ROMILEY, STOCKPORT, CHESHIRE SK6 4DY, Reel and Frame Number: 004360/0342

... drawing that when the container is assembled, the platform 16 and then the tube 15 are placed into the box 10. The bag 22 is then filled with an appropriate carbonated beverage e.g. beer, and the tap 26, which is ...
... downwardly for dispensing the beverage. The platform 43 is a fairly tight fit in the box 30 so does not move ...

11. 03047398 (Note: This is a Patent Application only.), June 12, 2003, Issue No.: 200324 , DISPENSER PLATFORM, PLATE-FORME DE DISTRIBUTEUR, KAMINECKI, Alex, J. - 5146 S. Laramie, Chicago, IL 60638, United States (US), PCT/US02/38896 , ARCHER WIRE INTERNATIONAL CORPORATION, 7300 South Narragansett, Bedford Park, IL 60638, United States (US)

... container box or "wine box." Figure 2 is a ...
... preferred embodiment of a beverage container support platform. Figure 3 is a ...
... foldable wire support stand 200 for a wine box 100. While the embodiment of the support stand 200 20 depicted ...
... intended for use with beverage container boxes such as the one shown ...
... Figure 1, the support stand 200 also can be ...
... preferred embodiment the support platform 202 is a wine box stand and is maintained at an elevated height ...
... rigid and lightweight support platform for a beverage container such as a wine box or other boxed packaging is ...

12. 2780474 , February 5, 1957 , COMBINATION PICNIC CART

... hand-truck having an extended platform whereby relatively large beverage boxes or coolers, folding picnic ...

13. 2065435 , December 22, 1936 , KNOCK-DOWN DISPLAY DEVICE FOR BOTTLED BEVERAGES

... device embodying a stand or supporting section and a bottled- beverage box section having the conformation of a ...
... position by said stand, said bottled-beverage box section being ...
... unit triangular-shaped stand sections 7 and oblong ...
... 7' of a bottled-beverage box having the conforma- 0 tion of a ...

14. 18895 , December 22, 1857 , WINE AND CIDER PRESS

... consists in constructing the platform so that no wine or cider will be - ...
... receiver, and that the sides of the double box may be taken ...
... peculiar construction and arrangement of the platform, and the double box on a wine and cider press constructed ...

15. 20030102413 (Note: This is a Patent Application only.), June 5, 2003 , DISPENSER PLATFORM, Svabek, John, J. - Bedford Park, Illinois, United States (US); Kaminecki, Alex, J. - Chicago, Illinois, United States (US), 007592 (10)

... foldable wire support stand 200 for a wine box 100. While the embodiment of the support stand 200 depicted in ...
... intended for use with beverage container boxes such as the one shown ...
... FIG. 1, the support stand 200 also can be ...
... preferred embodiment the support platform 202 is a wine box stand and is maintained at an elevated height ...
... rigid and lightweight support platform for a beverage container such as a wine box or other boxed packaging is ...

16. 20040051008 (Note: This is a Patent Application only.), March 18, 2004 , Container, Tominello, Joseph, Bruce - Edina, Minnesota, United States (US); Magner, Timothy, M. - Champlin, Minnesota, United States (US), 707007 (10)

... Elements of the kits include the stand and container of the invention 10, the box containing a beverage within a bladder ...
... embodiments of the invention include the stand and container of the invention 10, the box containing a beverage within a bladder ...